

ARTICLE APPEARED
ON PAGE 12

PUBLISHERS WEEKLY
12 September 1980

Bill on Agent Disclosure Moves from House Panel

A House Judiciary subcommittee has approved a bill that would severely undermine the efforts of the congressional intelligence committees to pass legislation barring journalists and other writers from disclosing the names of secret U.S. agents. But the measure reported by the subcommittee on a 5-1 vote August 26 faces stiff opposition from Republicans as well as the Democratic leadership of the full House.

Bills were rushed through both House and Senate intelligence panels in the aftermath of the attack last July 4 on the home of the CIA station chief in Jamaica. The attack occurred just days after his name was disclosed in the anti-CIA publication, *Covert Action Information Bulletin*.

The House and Senate intelligence committees passed bills that were designed to enable the government to prosecute those who publish the names of covert CIA agents. They thought they had drafted the bills carefully enough to avoid First Amendment conflicts.

To get at the publisher of the *Covert Action Information Bulletin*, Louis Wolf, the bills would allow prosecution of those who establish a pattern of attempting to impede U.S. foreign intelligence activities. The House Intelligence Committee included FBI intelligence in its bill's coverage, an action that sent it to the Judiciary Committee that has FBI oversight responsibilities.

News media groups immediately opposed the two bills, claiming they threatened the freedom of the press to report on intelligence issues.

The bill drafted by the House Judiciary Subcommittee on Constitutional Rights, headed by Rep. Don Edwards

(D., Calif.), would allow prosecution of present and past government officials who disclose names they learn in their official capacities. But it would ban prosecution of journalists or anyone else.

Both the Association of American Publishers and the Society of Professional Journalists opposed the bills of the intelligence committees.

AAP Vice-President Richard P. Kleeman told the subcommittee in a letter: "It is imperative that distinctions be made between those who intend to undermine U.S. intelligence operations and those who report legitimately and specifically on intelligence matters, whether in newspapers or in books."

He also asserted that "a distinction must be made between those who misuse information contained in classified materials to which they have had access and those who publish information obtained from public or nonclassified materials or who come accidentally into possession of information which may have at one time been classified."

Rep. Robert F. Drinan (D., Mass.), who offered the amendment to exempt journalists, said that the measures written by the intelligence committees presented constitutional problems. "Betrayal of trust is what needs to be punished" by congressional action, he said.

The subcommittee also voted, again 5-1, to eliminate the mention of FBI agents in the bill, the portion that caused the Judiciary to receive the measure in the first place.

The more sweeping versions of the bill approved by the intelligence committees have the backing of the House leadership of both parties. But the bill already has gained controversy, hurting its chances for action in this session of Congress.

HOWARD FIELDS